

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DELAWARE RIVERKEEPER NETWORK)	
and MAYA K. VAN ROSSUM, <i>the Delaware</i>)	
<i>Riverkeeper</i>)	
)	
Plaintiffs,)	
)	Case No. 2:24-cv-05308
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY, et al.,)	
)	
Defendants.)	
)	

UNOPPOSED MOTION TO CONTINUE RULE 16 CONFERENCE

The United States Environmental Protection Agency, et al. (“Defendants”), respectfully request to continue the Rule 16 conference currently scheduled for Tuesday, February 18, 2025, at 11:00 a.m. to any time between March 10 and March 14, 2025. Defendants have consulted with counsel for the Delaware Riverkeeper Network and Maya K. van Rossum, the Delaware Riverkeeper (“Plaintiffs”), and they do not oppose this motion. In support of this Unopposed Motion, Defendants state as follows:

1. On January 15, 2025, this Court held a Rule 16 conference. ECF Doc. No. 9. At the conference, counsel for both Defendants and Plaintiffs (collectively, the “Parties”) informed the Court that they had reached an agreement in principle on the terms of a Consent Decree, which would require EPA to sign a final rule promulgating revised water quality standards to protect aquatic life in a stretch of the Delaware River by the end of June 2025. Defendants also informed the Court that the proposed Consent Decree would be subject to a public comment period and instructions from a new incoming presidential administration. On the same day, this Court issued

an Order continuing the Rule 16 conference to Tuesday, February 18, 2025, at 11:00 a.m. ECF Doc. No. 13.

2. Good cause exists for a three-week continuance of that conference. On January 21, 2025, the proposed Consent Decree was published in the *Federal Register*. 90 Fed. Reg. 7,133 (Jan. 21, 2025). The 30-day comment period for the proposed Consent Decree will not close until February 20, 2025, and EPA needs time to review the comments following such closure. Furthermore, in light of the change in presidential administration, EPA needs additional time to brief the new Agency leadership on this litigation, as well as the water quality standards rulemaking that is the subject of the proposed Consent Decree and this litigation. At this time, the Parties have only limited updates for the Court aside from those mentioned above.

3. To conserve the Court's time and resources, Defendants request that the Court continue the Rule 16 conference to the week of March 10, when Defendants may have more substantive updates to convey.

4. For good cause shown, Defendants respectfully request that the Court continue the Rule 16 conference to the week of March 10, 2025. Plaintiffs do not oppose our request.

Dated: February 14, 2025

Respectfully submitted,

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